

# **EXHIBIT**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL YOUNG,

Defendant.

No. CR-07-0559-JSW

DECLARATION OF ROGER HICKS IN  
SUPPORT OF UNITED STATES'  
OPPOSITION TO DEFENDANT'S  
MOTION TO EXCLUDE EVIDENCE

I, Roger Hicks, declare:

1. I have personal knowledge of the facts set forth below, except as to those matters stated on information and belief which I am informed and believe to be true. If called as a witness, I could and would testify competently to the facts stated in this declaration.

2. I am a Security Supervisor at the Hilton hotel, San Francisco, located at 333 O'Farrell Street in San Francisco, California. I have been employed in this position for two years. I have worked at the Hilton hotel for seven years.

3. I arrived at work on the evening of August 5, 2007. I was told that a guest at the hotel

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1 had reported that items had been stolen from his room, room 13572. I learned that Hilton  
2 security believed that another guest, Michael Young, had probably stolen the items. I learned  
3 that Hilton security believed that Young had entered room 13572, because he had been given a  
4 set of keys to room 13572 by mistake.

5 4. I went up to room 13575 with Dirk Carr to look for the missing items. There was no one  
6 in room 13575. Carr and I opened the room using a security key. Inside the room, we saw an  
7 empty key packet to room 13572 on the bed. I also found a blue backpack in the closet. I opened  
8 the backpack to look for the stolen iPod and found checkbooks belonging to multiple people  
9 inside. Carr unzipped the front pocket to the blue backpack and saw a gun inside. After seeing  
10 the gun, we closed the backpack and put it back in the closet. It is security policy that we do not  
11 handle guns. We put the room on emergency lockdown, so that Young could not get back in the  
12 room. I assumed that he was not coming back to the hotel.

13 5. Later that night, the front desk notified security that Young had returned and could not get  
14 into his room.

15 6. I contacted Bill Marweg, Director of Security. Marweg told me to contact the San  
16 Francisco Police Department. I radioed the police officer working in front of the hotel and told  
17 him to come inside. I told the officer that we believed Young had stolen items from another  
18 guest.

19 7. I told the officer about the gun and asked him to come upstairs with me to room 13575.  
20 Dirk Carr and I went upstairs with the officer. Carr and I opened room 13575 with a security  
21 key and entered the room while the officer waited in the hallway. Carr or I took the backpack out  
22 of the closet and placed it on the bed. Carr or I unzipped the pocket where the gun was and left it  
23 unzipped. The officer then entered the room and removed the backpack from the room that  
24 contained the firearm.

25 8. At no time did the officer tell me to take the backpack out of the closet or unzip the  
26 backpack. At no time did the officer search room 13575 or open any items in the room.

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1 I declare under penalty of perjury, according to the laws of the United States, that the  
2 foregoing is true and correct to the best of my recollection and belief. Executed this 20<sup>th</sup> day of  
3 September, 2007 at San Francisco, California.

4 Roger E. Hicks  
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